

of such a law in other States, and profit thereby.

Numerously signed.

By Senator Weinert:

Petition from C. D. Mead and other citizens of Hays county, favoring House bill No. 54, creating the office of State Fire Marshal.

Petition from Farmers' Union of Guadalupe county, favoring House bill No. 1, and also a like petition from Farmers' Union of Gonzales county.

By Senator Hayter:

Chico, Texas, March 30, 1909.

J. P. Hayter, State Senator:

We, the members of Chico Union, ask that you consider the Cureton bill on bank guaranty, and that you vote for the bill without any amendment if you can honestly do so.

Yours truly,
W. W. JONES,
Secretary.

By Senator Hayter:

To the Hon. J. P. Hayter:

We, the undersigned members of Joe Bailey local Farmers' Union of Wise county, earnestly ask your support of the Cureton bill which guarantees the deposits of State banks. We also ask that you oppose any amendments to this bill, supporting only the original.

By Senator Bryan:

Rochester, Texas, March 27, 1909.

To Hon. W. J. Bryan, Senate Chamber, Austin, Texas.

Dear Sir: Believing that the bill introduced in the House by Representative Cureton of Bosque county, known as House bill No. 1 for guaranteeing of deposits in State banks, if enacted into law, will increase bank deposits in our State and otherwise contribute to a feeling of safety in financial circles in our State, thereby reducing to the minimum the probability of panic. We, the undersigned citizens of Haskell county and constituents of your district, expect you to give said bill your hearty support in the Senate and to do all in your power to prevent its being so amended as to weaken or thwart its original purpose.

Numerously signed.

By Senator Adams:

To the Hon. Wm. Adams, Austin, Texas:

We, the undersigned, your constituents, respectfully request and urge your support to the State bank guaranty law.

This law has been demanded by the Democrats in the State convention, and we feel certain that an overwhelming majority of the people of the State of Texas favor the enactment of this law and we, knowing that you recognize yourself to be a true Democrat, you certainly will not oppose the will of the Democrats of Texas.

Numerously signed.

The Chair had the following read to the Senate:

Albany, Texas, March 29, 1909.

To the Honorable Legislature of Texas:

We, the undersigned citizens of Shackelford county, Texas, do hereby petition the said honorable body that you enact some law by which you repeal all laws passed by you at the present session of the Legislature, and adjourn at once, and stop the expense to the State.

Numerously signed.

FOURTEENTH DAY.

Senate Chamber,

Austin, Texas,

Friday, April 2, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Prayer by the Chaplain of the House of Representatives, Rev. W. J. Joyce.

Pending the reading of the Journal of yesterday, on motion of Senator Holsey, the same was dispensed with.

BILLS AND RESOLUTIONS.

By Senators Watson and Hume:

Senate bill No. 88, A bill to be entitled "An Act amending Section 37 of an act

passed by the Regular Session of the Thirty-first Legislature, approved March 22, 1909, so as to provide that no company shall transact the business of life insurance in this State whose charter authorizes it to do a fire, marine, lightning, tornado or inland insurance business; and that no company shall take fire, marine or inland risks which is authorized to do a life or health insurance business in this State; and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History.

Morning call concluded.

(By unanimous consent, after the morning call was concluded.)

By Senator Willacy:

Senate bill No. 89, A bill to be entitled "An Act to prevent the keeping of certain fruit trees affected with yellows, crown-gall, blackknot, or any tree, shrub or plant infested with or by the San Jose scale, white fly, or other dangerous, injurious or destructive pests or diseases, and declaring such affected and infested trees, shrubs and plants a public nuisance, and making it the duty of the Commissioner of Agriculture or his agents or employees to seek out and destroy such trees, shrubs and plants, or cause the same to be done, or to have such affected or infested trees treated; and providing the manner of such treatment and destruction, and for certain investigations by the Commissioner of Agriculture; providing the manner of combating such diseases and pests; and preventing their spread and dissemination; providing for the inspection of orchards, nurseries, forest trees and greenhouse plants, and giving certificates to that effect; regulating alien individuals and alien nursery companies or corporations doing business in this State; regulating the importation of trees, shrubs, plants and all nursery stock from without the State, and regulating their transportation within the State; forbidding the selling, consignment or shipping of nursery stock, cuttings, plants, shrubs, forest trees, evergreens, ornamentals and cut flowers without such certificate; providing for the fumigation of certain trees, shrubs and plants; defining a nursery and nursery stock; defining an agent for a nursery or nursery stock; defining a dealer in nursery stock; defining being in the nursery business; authorizing the Commissioner of Agri-

culture to adopt rules and regulations, and to appoint a chief inspector of trees, shrubs and plants for this State, and prescribing and defining the qualifications of such chief inspector, and to employ other assistants, agents and experts and fixing their compensation; fixing fees for inspection; fixing penalties for violation of any of the provisions of this act, and directing the disposal of the penalties collected under the provisions of this act; fixing the duties of city administrations, owners of parks and city residences, to obey rules and regulations of the Commissioner of Agriculture, and to co-operate with the Commissioner of Agriculture; provided, that agents for nurseries shall have credentials and define their duties; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs.

SENATE BILL NO. 12.

The Chair laid before the Senate, on second reading and unfinished business,

Senate bill No. 12, A bill to be entitled "An Act providing for the appointment of official shorthand reporters for districts by the judges thereof to report cases; providing for the time and method of making and filing typewritten transcripts of such reports; providing for the time and method of making and filing statements of facts and bills of exceptions on appeals; providing for the qualifications, duties and compensation of such official shorthand reporters; repealing Chapter 24, page 509, Acts of the First Called Session of the Thirtieth Legislature of the State of Texas, and all other laws or parts of laws in conflict with this act, and declaring an emergency."

(Section 6.)

Senator Watson offered the following amendment, which was read and adopted:

Amend the bill by adding at the end of Section 6, page 3, the following: "Provided, however, that the official shorthand reporter shall when requested by the party appealing prepare, under the direction of the party appealing, a statement of facts in narrative form in duplicate, and deliver same to the party appealing, for which said statement of facts he shall be paid the sum of 5 cents per folio of 100 words for the original

copy, and no charge shall be made for the duplicate copy."

(Section 7.)

Senator Harper offered the following amendment:

Amend the bill by striking out Section 7, pages 3 and 4, and substitute the following:

"Section 7. When an appeal is taken from the judgment rendered in any cause in any district court or county court, the parties to the suit shall be entitled to and they are hereby granted, thirty days after the day of adjournment of court in which to prepare and file a statement of facts and bills of exception; and upon good cause shown, the judge trying the cause may extend the time in which to file a statement of facts and bills of exception; provided, that the time so granted shall not exceed ninety days from the day of adjournment.

STURGEON,
HARPER,
COFER.

Senator Meachum offered the following amendment to the amendment:

Amend the bill by striking out all beginning with "and" after the word "provided" and insert in lieu thereof the following: "Provided, that the court trying such cause shall have power in term time or in vacation, upon the application of either party, for good cause, to extend the several times as hereinbefore provided for the preparation and filing of the statement of facts and bills of exceptions, but the same shall not be so extended so as to delay the filing of the statement of facts, together with the transcript of the record, in the appellate court within the time prescribed by law, and when the parties fail to agree upon a statement of facts, and that duty devolves upon the court, the court shall have such time in which to do so, after the expiration of the thirty days as hereinbefore provided as the court may deem necessary, but the court, in such case, shall not postpone the preparation and filing of such statement of facts and bills of exceptions so as to delay the filing of the same, together with a transcript of the record in the appellate court within the time prescribed by law."

The amendment to the amendment was adopted by the following vote:

Yeas—19.

Adams.	Meachum.
Bryan.	Murray.
Cofer.	Paulus.
Greer.	Peeler.
Harper.	Perkins.
Hayter.	Senter.
Hudspeth.	Stokes.
Kellie.	Ward.
Masterson.	Willacy.
Mayfield.	

Nays—7.

Alexander.	Sturgeon.
Brachfield.	Watson.
Holsey.	Weinert.
Real.	

Absent.

Hume.	Terrell of McLennan.
Terrell of Bowie.	Veale.

The amendment, as amended, was then adopted.

Senator Senter offered the following amendment:

Amend the bill, Section 7, by adding at the end of said section the following words: "Provided, if the term of said court may, by law, continue more than eight weeks, said statement of facts shall be filed within twenty days after notice of appeal is given unless the court shall by order entered in record in said cause extend the time for filing such statement."

(Senator Willacy in the chair.)

Senator Cofer offered the following amendment to the amendment:

Amend the amendment by striking out the words "notice of appeal is given," and insert "the appeal is perfected."

Senator Senter moved to table the amendment to the amendment.

The motion to table was lost by the following vote:

Yeas—13.

Alexander.	Paulus.
Bryan.	Peeler.
Hayter.	Perkins.
Hudspeth.	Real.
Hume.	Senter.
Kellie.	Watson.
Masterson.	

Nays—14.

Brachfield.	Holsey.
Cofer.	Mayfield.
Greer.	Meachum.
Harper.	Murray.

Sturgeon. Ward.
Veale. Weinert.
Terrell of Bowie. Willacy.

Absent.

Adams. Terrell of McLennan.
Stokes.

The amendment to the amendment was adopted.

Senator Cofer offered the following amendment to the amendment, as amended:

Amend the amendment by adding after "statement of facts" the words "bills of exception."

The amendment to the amendment was adopted.

The amendment, as amended, was then adopted.

Senator Cofer offered the following amendment, which was read and adopted: Sec. 7. Amend by adding another paragraph, as follows:

"Statement of facts in cases taken up on writ of error shall in all cases be filed within thirty days after the perfection of the writ of error."

(Section 8.)

Senator Holsey offered the following amendment:

Amend the bill on pages 4 and 5 by striking out all of Section 8, beginning with the word "provided," in line 11, page 4.

Senator Watson moved to table the amendment, which motion was adopted.

Senator Watson offered the following amendment, which was read and adopted:

Amend the bill, Section 8, page 4, line 10, by striking out the word "fifteen" and insert in lieu thereof the following: "Five."

Senator Terrell of Bowie offered the following amendment, which was read and adopted:

Amend the bill by adding to Section 8 the following: "Provided, that when any criminal case is appealed and the defendant is not able to pay for a statement of facts, or to give security therefor, he may make affidavit of such facts, and upon the making and filing of such affidavit, the court shall order the stenographer to make such statement of facts in duplicate and deliver them as herein provided in civil cases, but the stenographer shall receive no pay for same; provided, that should any such affidavit so made by such defendant be false he shall be prosecuted and punished

as is now provided by law for making false affidavits.

TERRELL of Bowie,
HARPER,
STURGEON,
COFER.

Senator Hayter offered the following amendment, which was read and adopted:

Amend the printed bill by striking out of line 14, page 4, the following words: "The sum of two dollars per day."

And strike out in line 15, page 4, the following words: "Above provided for together with."

Senator Hayter offered the following amendment, which was read and adopted:

Amend the bill by adding after the word "manner," in line 22, page 4, the following words: "At less expense."

Senator Cofer offered the following amendment, which was read and adopted:

Amend the bill, Section 8, page 4, line 6, by inserting after the word "appointed" the following: "To be computed by including every day from day of convening until final day of adjournment excepting Sundays."

(Section 9.)

Senator Watson offered the following amendment, which was read and adopted:

Amend the bill, Section 9, by adding after the word "thereof," in line 8, the following: "Either in question and answer form or in notaries form."

Senator Watson offered the following amendment, which was read and adopted:

Amend Section 9, by adding after the word "for," in line 9, the following: "At the rate of 10 cents per value of one hundred words."

(Section 12.)

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by inserting a new section after Section 12 of the printed bill and number the section properly and renumber following sections to correspond. Said section to read as follows:

"Section —. Whenever either party to a civil cause pending in the county court shall apply therefor, the judge of the court shall appoint a competent stenographer to report the oral testimony given in such cause. Such stenographer shall take the oath herein prescribed, and shall receive such compensation as the court may fix, to be not less than \$5.00 per day, which shall be taxed and collected as costs. The pro-

visions of this act with respect to the preparation of the statement of facts, the time to be allowed therefor, and for the presentation to the opposite party, and the approving and filing thereof by the court shall apply to all statements of facts in civil causes tried in the county court."

There being no other amendments by sections, amendments to the whole bill were announced in order.

Senator Alexander offered the following amendment:

Amend the bill by striking out the word "be," in line 16, page 1 of the printed bill.

ALEXANDER,
TERRELL of McLennan,
MURRAY,
WARD,
PAULUS,
REAL,
VEALE,
MAYFIELD,
STURGEON,
STOKES,
WEINERT,
KELLIE,
BRACHFIELD.

Laid on table subject to call.

Senator Cofer offered the following amendment, which was read and adopted:

Amend Section 8 as amended:

"In any civil case where the appellant or plaintiff in error has made the proof required to appeal his case without bond, such appellant or plaintiff in error may make affidavit of such facts, and upon the making and filing of such affidavit, the court shall order the stenographer to make such statement of facts in duplicate and deliver them as herein provided in other cases, but the stenographer shall receive no pay for same, provided that should any such affidavit so made by such appellant or plaintiff in error be false he shall be prosecuted and punished as is now provided by law for making false affidavits."

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by inserting after word "answers," in line 11, page 3, the following words: "Provided the same is requested by either party to the suit."

ALEXANDER,
TERRELL of Bowie.

Senator Cofer offered the following amendment, which was read and adopted:

Amend Section 13 by adding: "Pro-

vided, the provisions of this act as to preparing and filing statements of facts and bills of exceptions shall apply only to cases hereafter tried; as to cases heretofore tried the law now in force shall govern."

Pending discussion on the bill, Senator Terrell of Bowie moved to reconsider the vote by which amendment No. 18, by Senator Cofer, which amended Section 8, page 4, line 6, was adopted.

The motion to reconsider prevailed.

On motion of Senator Terrell of Bowie, the amendment was then tabled.

Action then recurred on the amendment to strike out the enacting clause.

Senator Watson moved to table the amendment, which motion was adopted by the following vote:

Yeas—16.

Adams.	Masterson.
Bryan.	Peeler.
Cofer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Watson.
Hume.	Weinert.
Kellie.	Willacy.

Nays—13.

Alexander.	Perkins.
Brachfield.	Real.
Greer.	Stokes.
Holsey.	Terrell of McLennan.
Mayfield.	Veale.
Murray.	Ward.
Paulus.	

Absent.

Meachum.

Senator Bryan moved that the bill be recommitted to a committee of three Senators to be appointed by the Chair.

Senator Watson moved to table that motion.

Senator Mayfield moved that the Senate recess until 3 o'clock today.

The motion was lost by the following vote:

Yeas—7.

Brachfield.	Mayfield.
Greer.	Murray.
Holsey.	Paulus.
Kellie.	

Nays—22.

Adams.	Cofer.
Alexander.	Harper.
Bryan.	Hayter.

Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Masterson.	Terrell of McLennan.
Peeler.	Veale.
Perkins.	Ward.
Real.	Watson.
Senter.	Weinert.
Stokes.	Willacy.

Absent.

Meachum.

Action then recurred on the motion by Senator Watson to table the motion by Senator Bryan to recommit the bill to a special committee.

The motion to table prevailed.

Senator Holsey then moved that the Senate recess until 3 o'clock today.

The motion was lost.

The bill was read second time, and ordered engrossed by the following vote:

Yeas—17.

Adams.	Paulus.
Alexander.	Peeler.
Cofer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Watson.
Hume.	Weinert.
Kellie.	Willacy.
Masterson.	

Nays—12.

Brachfield.	Perkins.
Bryan.	Real.
Greer.	Stokes.
Holsey.	Terrell of McLennan.
Mayfield.	Veale.
Murray.	Ward.

Absent.

Meachum.

Senator Watson moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill be put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—21.

Adams.	Masterson.
Alexander.	Paulus.
Cofer.	Peeler.
Harper.	Perkins.
Hayter.	Real.
Hudspeth.	Senter.
Hume.	Stokes.
Kellie.	Sturgeon.

Terrell of Bowie.	Weinert.
Terrell of McLennan.	Willacy.
Watson.	

Nays—8.

Brachfield.	Mayfield.
Bryan.	Murray.
Greer.	Veale.
Holsey.	Ward.

Absent.

Meachum.

Senator Watson moved that the bill, as amended, be printed in the Journal of today.

The motion was adopted.

Following is the bill as amended:

An Act providing for the appointment of official shorthand reporters for district courts by the judges thereof to report cases; providing for the time and method of making and filing type-written transcripts of such reports; providing for the time and method of making and filing statements of facts and bills of exceptions on appeals; providing for the qualifications, duties and compensation of such official shorthand reporter; repealing Chapter 24, page 509, Acts of the First Called Session of the Thirtieth Legislature of the State of Texas, and all other laws or parts of laws in conflict with this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. For the purpose of preserving a record in all cases for the information of the court, jury and parties, the judges of the district courts in all judicial districts of this State composed of only one county, or of only a portion of one county and of all other district courts sitting in the same counties therewith may appoint official shorthand reporters for such courts, who shall be well skilled in their profession, who shall be sworn officers of the courts, and shall hold their office during the pleasure of the court. In all other judicial districts the district judges thereof may appoint official shorthand reporters if in their judgment such appointment is necessary, and in the event of such appointment the terms of this act shall apply.

Sec. 2. Before any person is appointed an official shorthand reporter under the provisions of this act he shall be examined as to his competency by a committee to be composed of at least three members of the bar practicing in

said court, such committee to be appointed by the judge thereof. The test of competency of any applicant for the position of official shorthand reporter shall be as follows: The applicant shall write in the presence of such committee at the rate of at least 120 words per minute for five consecutive minutes from questions and answers not previously written by him, and in computing the number of words written the words "Questions" and "Answers" appearing in the official shorthand reporter's transcript shall not be counted, and shall transcribe the same with accuracy. If the applicant passes this test satisfactorily, a majority of the committee shall furnish him with a certificate of that fact, which shall be filed among the records of the court, and shall be recorded by the clerk of the court in the minutes thereof. Upon the occasion of subsequent appointments the presentation of a certified transcript from the clerk of the court of the certificate above mentioned shall be taken as prima facie evidence of the applicant's competency; provided, however, that if the applicant shall have been an official stenographer of any district court of this State for not less than two years prior to the filing of his application for said appointment, then such examination by said committee, as herein provided, shall not be necessary.

Sec. 3. Before any person shall assume the duties of official shorthand reporter under the provisions of this act, he shall, in addition to the oath required of officers by the Constitution, subscribe to an oath, to be administered to him by the clerk of any district court, to the effect that he will well and truly and in an impartial manner keep a correct record of all evidence offered in any case which may be reported by him, together with the objections and exceptions thereto which may be interposed by the parties to such suit, and the rulings and remarks of the court in passing on the admissibility of such testimony.

Sec. 4. It shall be the duty of the official shorthand reporter to attend all sessions of the court; to take full shorthand notes of all oral testimony offered in every case tried in said court together with all objections to the admissibility of testimony, the rulings and remarks of the court thereon, and all exceptions to such rulings. If during the trial of any cause, either party thereto or his attorney, shall desire to have the evi-

dence already adduced upon the trial, or any part thereof, read over to him, he shall request such official shorthand reporter to read the same from his notes, and it shall be the duty of such reporter to comply with such request, and in case he shall fail or refuse so to do, he shall be removed from his official position as court reporter, in case it shall be found by a committee of three disinterested practicing attorneys of the county wherein such failure or refusal occurred, to be appointed by the court, that such failure or refusal was intentional and without justification; to preserve all shorthand notes taken in said court for future use or reference for at least one year, and to furnish to any person a transcript in question-and-answer form of all such evidence or other proceedings, or any portion thereof, upon the payment to him of the compensation hereinafter provided.

Sec. 5. In case an appeal is taken from the judgment rendered in any case, the official shorthand reporter shall, unless otherwise directed by all parties to the cause or their attorneys, transcribe the testimony and other proceeding recorded by him in said case in the form of questions and answers, providing the same is requested by either party to the suit, certifying that such transcript is true and correct, and shall file the same in the office of the Clerk of the Court within such reasonable time as may be fixed by written order of the court, said transcript to be paid for by the party appealing on delivery, and the amount so paid taxed as costs.

Sec. 6. Upon the filing in the office of the clerk of the court by the official shorthand reporter of his transcript as provided in Section 5 of this act, the party appealing shall prepare or cause to be prepared a statement of facts in duplicate, which shall consist of the evidence adduced upon the trial, both oral and by deposition, stated in a succinct manner and without unnecessary repetition, together with copies of such documents, sketches, maps and other matters as were used in evidence. It shall not be necessary to copy said statement of facts in the transcript of the clerk on appeal, but the same shall, when agreed to by the parties and approved by the judge, or in the event of a failure of the parties to agree and a statement of facts is prepared and certified by the judge trying the case, be filed in duplicate with the clerk of the court and the original thereof shall be

sent up as a part of the record in the cause on appeal. Provided, however that the official shorthand reporter shall, when requested by the party appealing, prepare under the direction of the party appealing a statement of facts in narrative form, in duplicate, and deliver same to the party appealing, for which said statement of facts he shall be paid the sum of five cents per folio of 100 words for the original copy and no charge shall be made for the duplicate copy.

Sec. 7. When an appeal is taken from the judgment rendered in any cause in any district court or county court, the parties to the suit shall be entitled to and they are hereby granted thirty days after the day of adjournment of court in which to prepare and file a statement of facts and bills of exception; and upon good cause shown the judge trying the cause may extend the time in which to file a statement of facts and bills of exception. Provided, that the court trying such cause shall have power in term time or in vacation, upon the application of either party, for good cause, to extend the several times as hereinbefore provided for the preparation and filing of the statement of facts and bills of exception, but the same shall not be so extended so as to delay the filing of the statement of facts, together with the transcript of the record, in the appellate court within the time prescribed by law, and when the parties fail to agree upon a statement of facts, and that duty devolves upon the court the court shall have such time in which to do so, after the expiration of the thirty days as hereinbefore provided, as the court may deem necessary, but the court, in such case, shall not postpone the preparation and filing of such statement of facts and bills of exceptions so as to delay the filing of same, together with a transcript of the record in the appellate court within the time prescribed by law. Provided, if the term of said court may by law continue more than eight weeks, said statement of facts and bills of exception shall be filed within twenty days after the appeal is perfected unless the court shall by order entered of record in said cause extend the time for filing such statement, and bills of exception. Statement of facts in cases taken up on writ of error shall in all cases be filed within thirty days after the perfection of the writ of error.

Sec. 8. The official shorthand reporter shall receive a per diem compensation

of \$5.00 for each and every day he shall be in attendance upon the court for which he is appointed, to be paid monthly by the commissioners court of the county in which said court sits, out of the general fund of the county, upon the certificate of the district judge. He shall also receive from persons ordering transcripts of his notes the sum of ten cents per folio of one hundred words; provided, that in judicial districts composed of more than one county the official shorthand reporter shall, while attending sessions of the court away from the county of his residence, receive in addition to the per diem three cents per mile for each mile he may travel in going to and returning from said courts, where he travels by rail, and the sum of fifteen cents per mile when he travels otherwise than by rail; provided further, that in reckoning the distances the nearest practical route shall be the distance for which he is entitled to charge, and that said official shorthand reporter shall in all cases travel by rail where he can reach the county seat in that manner, at less expense, which said sums are to be paid at the adjournment of each term of the district court in the several counties composing the district; provided further, however, that if, in any district composed of two or more counties, the said official shorthand reporter shall, within the judgment of the court, have rendered more services to the court in the discharge of his duties than the terms of this bill shall provide for; then, and in that event the district judge shall certify to the commissioners court of each county in his district, six months after the taking effect of this act, and at the end of every six months thereafter, whether or not in his judgment the compensation is commensurate with the services performed, and if not, that the certificate of said judge shall state the amount that in his judgment the said official shorthand reporter should receive from each of the counties in the district, and same shall be a claim against the county, to be allowed, or rejected, by the commissioners court as other claims against the counties. Provided, that when any criminal case is appealed and the defendant is not able to pay for a statement of facts, or to give security therefor, he may make affidavit of such facts, and upon the making and filing of such affidavit, the court shall order the stenographer to make such statement of facts in duplicate and deliver them as herein provided in civil cases, but

the stenographer shall receive no pay for same, provided that should any such affidavit so made by such defendant be false he shall be prosecuted and punished as is now provided by law for making false affidavits.

In any civil case where the appellant or plaintiff in error has made the proof required to appeal his case without bond, such appellant or plaintiff in error may make affidavit of such facts and upon the making and filing of such affidavit, the court shall order the stenographer to make such statement of facts in duplicate and deliver them as herein provided in other cases, but the stenographer shall receive no pay for same, provided that should any such affidavit so made by such appellant or plaintiff in error be false he shall be prosecuted and punished as is now provided by law for making false affidavits.

Sec. 9. At the request of any person it shall be the duty of the official shorthand reporter to make a transcript in typewriting of all the evidence and other proceedings, or any portion thereof, either in question and answer form or in narrative form, in any case, which transcript shall be paid for at the rate of ten cents per folio of 100 words by and be the property of the person ordering the same.

Sec. 10. Hereafter the clerks of all courts having official shorthand reporters as provided for in this act shall tax as costs in each civil case now or hereafter pending in such courts, except suits for the collection of delinquent taxes, and except suits which are not contested, in which cases the imposition of the stenographer's fee herein provided for shall be within the discretion of the court, a stenographer's fee of three dollars, which shall be paid as other costs in the case, and which shall be paid by said clerk, when collected, into the general fund of the county in which said court sits, except cases in which the district court has not original jurisdiction.

Sec. 11. The official shorthand reporter may, with the consent of the court, appoint one or more deputies when necessary to assist him in the discharge of his duties, provided, however, that before any such deputy shall enter upon the discharge of his duties as official shorthand reporter he shall subscribe to the same oath hereinbefore provided for for the official shorthand reporter and shall also be required to stand such

examination as to his proficiency as may be required by the court.

Sec. 12. It shall be the duty of each official shorthand reporter to file with the district clerk of each county of his district annually upon the first Monday in January an itemized statement, verified by affidavit, showing all sums collected by him as per diem or other compensation during the preceding year, giving the name of the person paying each sum and the date of payment of same.

Sec. —. Whenever either party to a civil cause pending in the county court shall apply therefor, the judge of the court shall appoint a competent stenographer to report the oral testimony given in such cause. Such stenographer shall take the oath herein prescribed, and shall receive such compensation as the court may fix, to be not less than taxed and collected as costs. The provisions of this act with respect to the preparation of the statement of facts, the time to be allowed therefor, and for the presentation to the opposite party, and the approving and filing thereof by the court shall apply to all statements of facts in civil causes tried in the county court.

Sec. 13. That Chapter 24, page 509, Acts of the First Called Session of the Thirtieth Legislature of the State of Texas, providing for the appointment of court stenographers, prescribing their duties and regulating their charges, and all other laws or parts of laws in conflict with this act, be and the same are hereby expressly repealed; provided, however, that nothing in this act shall be so construed as to prevent parties from preparing statements of facts on appeal independent of the transcript of the notes of the official shorthand reporter. Provided, the provisions of this act as to preparing and filing statement of facts and bills of exception shall apply only to cases hereafter tried; as to cases heretofore tried the law now in force shall govern.

Sec. 14. In the trial of all criminal cases in the district court in which the defendant is charged with a felony, the official shorthand reporter shall keep an accurate stenographic record of all the proceedings of such trial in like manner as is provided for in civil cases, and should an appeal be prosecuted in any judgment of conviction whenever the State and defendant can not agree as to the testimony of any witness, then and in such event so much of the transcript of the official shorthand reporter's

report with reference to such disputed fact or facts shall be inserted in the statement of facts as is necessary to show what witnesses testified to in regard to the same, and constitute a part of the statement of facts, and the same rule shall apply in the preparation of bills of exceptions; provided, that such stenographer's report, when carried into the statement of facts or bills of exceptions, shall be condensed so as not to contain the questions and answers, except where, in the opinion of the judge such questions and answers may be necessary in order to elucidate the fact or question involved; provided, that in all cases where the court is required to and does appoint an attorney to represent the defendant in a criminal action, that the official shorthand reporter shall be required to furnish the attorney for the said defendant, if convicted, and where an appeal is prosecuted, with a transcript of his notes, for which said service he shall be paid, by the State of Texas, upon the certificate of the district judge, one-half of the rate provided for herein in civil cases.

Sec. 15. The fact that the present law relating to the appointment of official stenographers does not provide a proper standard of competency and does not provide a sufficient length of time in which to prepare and file statements of facts and bills of exceptions in cases on appeal, thereby causing confusion and dissatisfaction, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect from and after its passage, and it is so enacted.

(Lieutenant Governor Davidson in the chair.)

RESOLUTION.

By Senator Murray:

Whereas, The cost of printing the Senate Journal seems to be a problematic proposition and no definite information is now within the possession of this Senate; therefore, be it

Resolved by the Senate, That the President of the Senate appoint a committee of three to make an investigation with reference to the printing of the Senate Journals, the cost incurred therein, and the probable cost of printing the bound volumes of the Regular and Called Sessions of the Senate, and of such other matters as may in the judgment of the committee be deemed advisable and nec-

essary and report the same back to the President of this Senate at the earliest practicable date.

The resolution was read and adopted.

The Chair appointed the following as the committee provided for in the above resolution: Senators Murray, Weinert and Willacy.

RECESS.

Senator Veale moved that the Senate adjourn until Monday morning at 10 o'clock.

Senator Sturgeon moved that the Senate recess until 3 o'clock p. m. today.

Action being on the longest time, the motion to adjourn until Monday morning at 10 o'clock was lost by the following vote:

Yeas—1.

Stokes.

Nays—28.

Adams.
Alexander.
Brachfield.
Bryan.
Cofe.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Hume.
Kellie.
Masterson.
Mayfield.

Murray.
Paulus.
Peeler.
Perkins.
Real.
Senter.
Sturgeon.
Terrell of Bowie.
Terrell of J.
Veale.
Ward.
Watson.
Weinert.
Willacy.

Absent.

Meachum.

The motion to recess until 3 o'clock p. m. today was then adopted.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SENATE BILL NO. 20.

The Chair laid before the Senate, on third reading and regular order,

Senate bill No. 20, A bill to be entitled "An Act to validate sales of real estate within this State, heretofore made by foreign executors of wills probated by any of the States of the United States."

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Meachum.	

Nays—2.

Holsey. Mayfield.

Absent.

Harper.	Terrell of Bowie.
Perkins.	Veale.
Stokes.	

Senator Hume moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE CONCURRENT RESOLUTION NO. 2.

On motion of Senator Cofer, the regular order of business (Senate bill No. 32) was suspended, and the Senate took up, out of its order,

Senate Concurrent Resolution No. 2, by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Sturgeon.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Nays—1.

Holsey.

Absent.

Harper.	Terrell of Bowie.
Stokes.	Veale.

The Chair laid before the Senate Senate Concurrent Resolution No. 2, Providing for printing of Legislative Manuals for use of members and officers.

The committee report, which provided that the resolution be not printed, was adopted.

The resolution was read and adopted.

Senator Cofer moved to reconsider the vote by which the resolution was adopted and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 87.

On motion of Senator Terrell of McLennan, the regular order of business (Senate bill No. 32) was suspended, and the Senate took up, out of its order, Senate bill No. 87, by the following vote:

Yeas—26.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Real.
Hayter.	Sturgeon.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.

Absent.

Senter.	Terrell of Bowie.
Stokes.	Veale.

The Chair laid before the Senate, on second reading,

Senate bill No. 87, A bill to be entitled "An Act to authorize any county or political subdivision or other defined district of a county, upon a vote of two-thirds majority of the resident property taxpayers voting thereon, who are qualified electors of such county or political subdivision or defined districts of the county to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county or political subdivision or defined district thereof, and to levy and collect taxes to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, graveled and paved roads

and turnpikes or in aid thereof; creating road districts; making them bodies corporate; creating the office of road superintendent; providing that any county operating under a special road law may take advantage of any of the provisions of this act; repealing Senate bill No. 264 passed by the Regular Session of the Thirty-first Legislature, and House bill No. 727, passed by the Thirtieth Legislature, and all other laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Terrell of McLennan the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.

Absent.

Paulus.	Terrell of Bowie.
Stokes.	Veale.

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Stokes.	Veale.
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Senator Terrell of McLennan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 4.

On motion of Senator Alexander, the regular order of business (Senate bill No. 32) was suspended, and the Senate took up, out of its order, Senate bill No. 4, by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Mayfield.	

Nays—1.

Meachum.

Absent.

Stokes.	Veale.
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The Chair laid before the Senate, on second reading,

Senate bill No. 4, A bill to be entitled "An Act to create a State Banking Board; to define its powers and duties; to provide for a depositor's guarantee fund under the supervision of said board, and fixing the conditions and terms by which banks and trust companies may avail their depositors of the benefits of said fund; fixing the amount to be paid for the creation of said fund and the manner and time of payments; fixing the manner of management and administering of said fund, authorizing certain advertising privileges to such banks and providing a penalty for the unauthorized use of such advertising privileges, and declaring an emergency."

There being an adverse majority committee report, recommending a favorable substitute bill, and a favorable minority committee report,

Senator Senter moved to adopt the majority committee report, and

Senator Alexander moved, as a substitute, to adopt the minority committee report.

(President Pro Tem. Brachfield in the chair.)

RECESS.

Senator Watson moved that the Senate recess until 9 o'clock tomorrow, and Senator Sturgeon moved, as a substitute, that the Senate recess until 8 o'clock tonight.

Senator Alexander moved that the Senate recess until 10 o'clock tomorrow morning.

Action being on the longest time first, the motion to recess until 10 o'clock tomorrow morning was lost.

Action then recurred on the motion to recess until 9 o'clock tomorrow morning, and the same was then adopted.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SENATE BILL NO. 25.

On motion of Senator Brachfield, the pending order of business (Senate bill No. 4) was suspended, and the Senate took up, out of its order, Senate bill No. 25, by the following vote:

Yeas—24.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—1.

Masterson.

Present—Not Voting.

Hudspeth.

Absent.

Bryan.

Perkins.

Hume.

Senter.

SI—10

The Chair laid before the Senate, on second reading,

Senate bill No. 25, A bill to be entitled "An Act providing conditions upon which fire insurance companies shall transact business in this State, and providing for the regulation and control of rates of premium on fire insurance, and to prevent discrimination therein; and to create a Fire Insurance Rating Board, and to provide penalties for violations of this act, and declaring an emergency."

There being a favorable majority committee report, with amendments, and an adverse minority committee report,

Senator Brachfield moved to adopt the majority committee report, which motion prevailed.

Senator Terrell of McLennan offered the following amendment:

Amend the bill, page 3, Section 5, line 4, by striking out all of said Section after the word "time," in line 4.

TERRELL of McLennan,
HUDSPETH,
WATSON.

The amendment was read, and lost by the following vote:

Yeas—10.

Cofer.	Terrell of McLennan.
Hudspeth.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Paulus.	Willacy.

Nays—16.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Greer.	Peeler.
Harper.	Real.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hume.	Veale.

Absent.

Bryan.
Perkins.

Senter.
Stokes.

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the bill, page 10, Section 17, line 18, by striking out the following words: "Transacting what is known as an inter-insurance business."

HUDSPETH,
ALEXANDER.

Senator Willacy offered the following amendment, which was read and adopted:

Amend by inserting a semicolon in

lieu of the period at the end of Section 6, and by adding the following to Section 6: "Provided, that nothing herein shall be construed to deny the right of any company to reduce its rates to conform with any lower rate established by said board, applying to the same character of risks."

Senator Hayter offered the following amendment, which was read and adopted:

Amend the bill by striking out of line 26, page 8, the following: "Section 17," and insert in lieu thereof the following: "Section 18."

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the bill, page 3, Section 6, by adding thereto the following: "Provided, that said board shall never make a higher rate than the schedule published by said companies."

TERRELL of McLennan,
HUDSPETH,
WATSON.

Senator Willacy offered the following amendment, which was read and adopted:

Amend the bill by inserting after the word "schedules" in line 29, page 3 of the printed bill, the following: "Subject to the provisions of Section 6 hereof."

Senator Terrell of McLennan offered the following amendment, which was read and adopted:

Amend Section 5, page 2, line 32, of the bill by striking out the word "ten" and inserting in lieu thereof the word "thirty."

TERRELL of McLennan,
HUDSPETH,
WATSON.

Senator Hayter offered the following amendment, which was read and adopted:

Amend the printed bill by striking out in line 30, page 2, the following: "chang," and insert in line thereof the word "change."

Senator Terrell of McLennan offered the following amendment:

Amend the bill, page 2, line 19, Section 3, by striking out all of said section after the word "annum," in line 19.

TERRELL of McLennan,
HUDSPETH,
WATSON.

(Senator Willacy in the chair.)

The amendment was read and lost by the following vote:

Yeas—11.

Adams.
Brachfield.
Harper.
Hudspeth.
Hume.
Masterson.

Murray.
Paulus.
Terrell of McLennan.
Ward.
Watson.

Nays—16.

Alexander.
Bryan.
Cofer.
Greer.
Hayter.
Holsey.
Mayfield.
Mechum.

Peeler.
Real.
Senter.
Sturgeon.
Terrell of Bowie.
Venle.
Weinert.
Willacy.

Absent.

Kellie.
Perkins.

Stokes.

Senator Harper offered the following amendment, which was read and adopted:

Amend the bill by striking out Section 2, page 1, and insert the following: "Section 2. Every fire insurance company organized under the laws of this State hereafter granted a certificate of authority to transact business in this State shall be deemed to have accepted such certificate and to transact business thereunder upon the condition that it consents to the terms and provisions of this act, and that it agrees to transact its business in this State subject thereto."

BRACHFIELD,
HARPER.

Senator Harper offered the following amendment, which was read and adopted:

Amend the bill, page 2, line 24, Section 4, by striking out the words after the word "than," in said line, "sixty days," and inserting "January 1, 1910."

BRACHFIELD,
HARPER.

Senator Harper offered the following amendment, which was read and adopted:

Amend the bill by inserting the following words after the word "the," in line 1, page 2: "State representative or representatives or."

BRACHFIELD,
HARPER.

Bill read second time, and ordered engrossed.

On motion of Senator Brachfield, the constitutional rule requiring bills to be

read on three several days was suspended, and the bill put on its third reading and final passage, by the following vote:

Yeas—28.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Perkins. Senter.

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Perkins. Terrell of McLennan.

Senator Brachfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table. The motion to table prevailed.

SENATE BILL NO. 64.

On motion of Senator Hudspeth, the pending order of business (Senate bill No. 4) was suspended, and the Senate took up, out of its order, Senate bill No. 64, by the following vote:

Yeas—27.

Adams.	Bryan.
Alexander.	Cofer.
Brachfield.	Greer.

Harper.	Peeler.
Hayter.	Real.
Holsey.	Senter.
Hudspeth.	Stokes.
Hume.	Sturgeon.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Perkins. Terrell of McLennan.
Terrell of Bowie.

The Chair laid before the Senate, on second reading,

Senate bill No. 64, A bill to be entitled "An Act to authorize and empower the State Health Officer to isolate and return to their homes indigent consumptives sojourning in other sections of the State; providing appropriation to carry this law into effect, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Real.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Veale.
Hudspeth.	Watson.
Hume.	Weinert.
Kellie.	Willacy.
Masterson.	

Nays—1.

Ward.

Absent.

Perkins. Terrell of Bowie.
Senter. Terrell of McLennan.

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Brachfield.
Alexander.	Bryan.

Cofer. Murray.
Greer. Paulus.
Harper. Peeler.
Hayter. Real.
Holsey. Stokes.
Hudspeth. Sturgeon.
Hume. Veale.
Kellie. Ward.
Masterson. Willacy.
Mayfield.

Nays—2.

Meachum. Watson.

Absent.

Perkins. Terrell of McLennan.
Senter. Weinert.
Terrell of Bowie.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.
The motion to table prevailed.

SENATE BILL NO. 74.

On motion of Senator Stokes, the pending order of business (Senate bill No. 4) was suspended, and the Senate took up, out of its order, Senate bill No. 74, by the following vote:

Yeas—23.

Adams. Mayfield.
Alexander. Meachum.
Brachfield. Paulus.
Bryan. Peeler.
Cofer. Real.
Greer. Stokes.
Harper. Sturgeon.
Hayter. Veale.
Holsey. Ward.
Hudspeth. Weinert.
Kellie. Willacy.
Masterson.

Nays—3.

Hume. Watson.
Murray.

Absent.

Perkins. Terrell of Bowie.
Senter. Terrell of McLennan.

The Chair laid before the Senate, on second reading,

Senate bill No. 74, A bill to be entitled "An Act giving to the Commissioner of Agriculture the power and making it his duty to appoint a competent drainage and irrigation engineer, prescribing his duties, fixing his compensation, and declaring an emergency."

The committee report, with amendments, was adopted.

Senator Stokes offered the following amendment, which was read and adopted:

Amend Senate bill No. 74 by striking out all after the enacting clause and inserting in lieu thereof the following:

"Section 1. It shall be the duty of the Commissioner of Agriculture to prepare and make public reports on the present system of irrigation now in operation in this State; the cost of maintenance and operation of same, the character and kind of irrigation plants which result in the greater saving to the users of water, the class and character of water contracts entered into by the various canal companies; he shall also inquire into the reasonableness and fairness of rates being charged for water by the various canal companies in this State and from time to time shall make public the result of his inquiries; he shall collect and publish statistics and other information regarding the irrigation of rice and other crops as may be of benefit in developing and collaborating a more efficient system of laws, safeguarding and defining the rights of users and sellers of water for irrigating purposes; and he shall make up and file an annual report on same with such recommendations he may deem beneficial to the industry which report shall be filed with the Governor, and transmitted to the Legislature.

"Sec. 2. The Commissioner of Agriculture is hereby empowered and authorized to employ a competent engineer and expert, possessing a practical knowledge of the application of irrigation to the raising of rice and other crops, for the purpose of assisting him in performing the duties required of him in Section 1 of this act.

"Sec. 3. The fact that there is now no means of collecting data on canal rates and that there is no member of the Department of Agriculture qualified to perform the duties above mentioned, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in both houses be suspended, and this rule is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted."

KELLIE,
STOKES,
WILLACY.

Senator Stokes offered the following amendment, which was read and adopted:

Amend the caption so as to read as follows: "An Act to make it the duty of the Commissioner of Agriculture to inquire into the present system of irrigation as applied to the rice industry and other products, the character of rates and contracts used on irrigating canals, to make public his report from time to time, and to transmit same to the Governor and the Legislature; giving him power and authority to employ an engineer and expert to assist him when necessary in said work, and declaring an emergency."

STOKES,
KELLIE,
WILLACY.

Senator Kellie offered the following amendment:

Amend the bill by striking out the following words in Section 1, line 8: "Reasonableness and fairness of."

Senator Stokes moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—16.

Adams.	Holsey.
Alexander.	Masterson.
Brachfield.	Mayfield.
Bryan.	Meachum.
Cofer.	Real.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Veale.

Nays—8.

Hume.	Ward.
Kellie.	Watson.
Paulus.	Weinert.
Peeler.	Willacy.

Absent.

Hudspeth.	Senter.
Murray.	Terrell of Bowie.
Perkins.	Terrell of McLennan.

Senator Kellie offered the following amendment, which was read and adopted:

Amend the bill by striking out the two last lines in Section 2, which read: "With such recommendations he may deem beneficial to the industry, which report shall be filed with the Governor."

Bill read second time, and ordered engrossed.

On motion of Senator Stokes, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of McLennan.
Hayter.	Veale.
Holsey.	Ward.
Kellie.	Weinert.
Masterson.	Willacy.
Mayfield.	

Nays—3.

Hume.	Watson.
Paulus.	

Absent.

Hudspeth.	Senter.
Perkins.	Terrell of Bowie.

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of McLennan.
Hayter.	Veale.
Kellie.	Ward.
Masterson.	Weinert.
Mayfield.	Willacy.

Nays—4.

Holsey.	Paulus.
Hume.	Watson.

Absent.

Hudspeth.	Senter.
Perkins.	Terrell of Bowie.

Senator Stokes moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 82.

On motion of Senator Cofer, the pending order of business (Senate bill No. 4) was suspended, and the Senate took up, out of its order, Senate bill No. 82, by the following vote:

Yeas—24.

Adams.	Bryan.
Alexander.	Cofer.
Brachfield.	Greer.

Harper.	Peeler.
Hayter.	Real.
Holsey.	Sturgeon.
Hume.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Hudspeth.	Senter.
Mayfield.	Stokes.
Perkins.	Terrell of Bowie.

The Chair laid before the Senate, on second reading,

Senate bill No. 82, A bill to be entitled "An Act to amend Chapter 75 of the General Laws of the State of Texas, passed by the Twenty-seventh Legislature, creating a more efficient road system for Grayson county, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

(Lieutenant Governor Davidson in the chair.)

Senator Cofer offered the following amendment, which was read and adopted:

Amend the bill by striking out Sections 14 and 15 and inserting in lieu thereof the following:

"Section 14. When such district has been created by order of the commissioners court of said county said court shall, by its written order, determine the amount of bonds to be issued by said district for the purposes designated in Section 13 of this act. The amount of bonds shall not exceed 10 per cent of the assessed value of the real estate in such district to be determined from the last assessment as shown by the assessment rolls of said county. Said court shall determine the time and place of holding the election, shall be governed by the laws of this State governing general elections, and the notice of such election shall be given by posting notices thereof at three public places, one of which should be at the courthouse of said county and two of said notices shall be posted within the limits of such district. The proposition and notices shall specify the purpose for which the bonds are to be issued, the amount of bonds, the rate of interest and the time the bonds shall be made payable, and no such bonds shall ever be issued to extend and be in force longer than the term of thirty

years from their date of issue and the order of the court. The proposition, the notices and the bonds themselves shall provide that one-thirtieth of the amount of said bonds shall be paid each year and that a sinking fund shall be created sufficient to pay the interest of said bonds annually as it accrues and to discharge one-thirtieth of each issue of bonds each year in serial order. No bond shall draw a rate of interest exceeding 5 per centum per annum. All ballots to be voted at said election shall have printed thereon, 'For the Road Bond,' or 'Against the Road Bond,' as the case may be, and such proposition to be voted upon shall be submitted to a vote of the resident property taxpayers who are electors of such district or territory to be affected thereby, and if said proposition shall receive in favor thereof a two-thirds vote of all electors voting thereon, then such road improvements shall be made accordingly, and the bonds of said district issued as authorized by this act, under the further direction of the county commissioners court.

"Section 15. At the time of the issuance of the bonds authorized by this act, the commissioners court of said county shall levy and cause to be assessed and collected a special road improvement tax in the same manner that other taxes are levied and collected upon all property subject to taxation in the said district as ascertained from the assessments made by the county assessor, and the said taxes shall be in amount sufficient to pay the interest upon said bonds as the same shall become due and to create an amount annually sufficient to discharge one-thirtieth of the principal amount of bonds issued, and the said commissioners court shall annually, after the collection of said special road improvement tax pay the interest upon said bonds that may be outstanding, and shall take up and cancel one-thirtieth of the amount of total issue of said bonds, provided that the retirement of any of said bonds shall be optional with the commissioners court of said county after the expiration of ten years, and said canceled bonds shall be sufficiently canceled and mutilated to show their payment, but shall not be destroyed, but shall be kept as evidence of their payment. All bonds which shall be issued under this act shall be approved by the Attorney General of the State of Texas; shall be signed by the county judge and countersigned by the county clerk; shall be registered by the

county treasurer before delivery and also registered by the Comptroller of the State of Texas. The county treasurer shall keep an account of the amount of principal and interest paid on each bond, and no bond shall be sold for less than par. He shall also be the custodian of all moneys realized from the sale of such bonds, and such moneys shall be deposited by him in the county depository, if there be one, and the interest accruing thereon shall be placed to the credit of such district. Such bonds shall be issued in the denomination of from one hundred to one thousand dollars each, as may be provided by the commissioners court, and shall have attached thereto interest coupons, those maturing one year, one coupon; those maturing two years, two coupons, and so on with the last bond to mature having thirty interest coupons, and all said bonds shall be known and styled 'Grayson County Road Bond,' and each district shall be numbered and shall be known and designated by its number both upon such bonds and upon the records of said county. The commissioners court of said county shall provide all necessary conveniences for the assessor and collector of taxes and for and by which the necessary taxes within said district or districts shall be assessed and collected for the payment of all interest and the final discharge of such bonds, and no taxes for such purpose shall ever be collected from any other property not included in such district. And the taxes so assessed and collected for such purpose in said district shall be known as district road tax for the district having the proper number, and none of the money collected for such purpose in such a district shall ever be used for improvements of any kind or character in any other portion of the county. The county assessor shall assess and the collector of taxes shall collect said taxes as other taxes are assessed and collected, and shall receive the same compensation therefor as is provided for the assessment and collection of State and county taxes."

Senator Cofer offered the following amendment, which was read and adopted:

Amend the bill by adding another section, to be known as Section 21, and to read as follows, and to be inserted just before emergency clause:

"Section 21. The political subdivisions as divisions herein created are hereby constituted bodies politic with power to sue and to be sued, implead and to

be impleaded, and to act as corporate bodies. Said political subdivisions shall enjoy the same immunity as a county from liability for torts and shall never be liable in any action in any court for any tort, whether of commission or omission."

Bill read second time, and ordered engrossed.

On motion of Senator Cofer, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Real.
Harper.	Sturgeon.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	

Absent.

Perkins.	Terrell of Bowie.
Senter.	Willacy.
Stokes.	

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Real.
Harper.	Sturgeon.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	

Absent.

Perkins.	Terrell of Bowie.
Senter.	Willacy.
Stokes.	

Senator Cofer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 4.

Action here recurred on Senate bill No. 4, the question being on the motion by Senator Alexander to substitute the minority committee report for the majority committee report.

(Lieutenant Governor Davidson in the chair.)

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 3, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate Concurrent Resolution No. 2, Providing for printing of Legislative Manuals for use of members and officers, with amendments.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 3, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 2, Relating to the acceptance of the Adams Fund from the United States Government.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

ELECTION BULLETINS.

The Chair had the following read to the Senate:

Austin, Texas, April 3, 1909.

Hon. A. B. Davidson, Lieutenant Governor, Austin, Texas.

Dear Sir: Messrs. A. H. Belo & Co., publishers of the Galveston-Dallas News, have authorized me to post in Austin tonight, bulletins of the election in the Second Senatorial District. If given permission, we will read or post these bulletins in the Senate Chamber. We would need the use of the telephone in the Sergeant-at-Arms' room for that purpose.

As the district is small and there are not a great many telegraph stations within it, it need not be expected that the bulletin performance will be continuous, but we shall try to get the results as early as possible.

Very truly yours,

TOM FINTY, JR.,

Staff Correspondent, The News.

The above was read, and Senator Sturgeon moved that the request be granted, and Senator Terrell of Bowie amended the motion by thanking the managers of the Dallas-Galveston News for the service.

Both of the motions were adopted.

RECESS.

Senator Veale moved that the Senate recess until 3 o'clock.

The motion was adopted.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SENATE BILL NO. 64—VOTE RE-SCINDED AND BILL PASSED.

Senator Hudspeth here moved to rescind the vote by which the vote on the final passage of Senate bill No. 64 was reconsidered, and the motion to reconsider tabled.

The motion to rescind was adopted.

Senator Hudspeth moved to reconsider the vote by which Senate bill No. 64 was finally passed on today.

The motion was adopted.

Senator Hudspeth moved to reconsider the vote by which Senate bill No. 64 was ordered engrossed.

The motion to reconsider was adopted; which placed the bill back on second reading.

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the bill by adding the following independent line just after the word "emergency" and before Section 1, page 1: "Be it enacted by the Legislature of the State of Texas."

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended.

ed, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Meachum.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Willacy.

Absent.

Holsey.	Stokes.
Mayfield.	Terrell of McLennan.
Murray.	Weinert.

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Meachum.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Willacy.

Absent.

Holsey.	Stokes.
Mayfield.	Terrell of McLennan.
Murray.	Weinert.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 4.

Action occurred on Senate bill No. 4, the question being on the motion to substitute the minority committee report for the majority committee report.

Senator Watson moved that those favoring what is known as the Alexander bill be allowed until 6 o'clock today to discuss the bill, and that those favoring what is known as the Senter bill be allowed to print their remarks in the Journal.

The motion was ruled out, on a point of order by Senator Terrell of Bowie.

SENATE CONCURRENT RESOLUTION NO. 2—HOUSE AMENDMENTS CONCURRED IN.

Senator Cofer called up Senate Concurrent Resolution No. 2, Providing for printing of Legislative Manuals for use of members and officers.

And moved that the Senate concur in the following House amendments:

Amend by adding "the rules of the House and the committees of the two houses, both of the Regular and Called Sessions of the Thirty-first Legislature."

Add after "State Constitution" the words: "With amendments to date."

The motion to concur prevailed.

SENATE BILL NO. 4.

Action occurred on Senate bill No. 4, the question being on the motion to substitute the minority committee report for the majority committee report.

RECESS.

On motion of Senator Terrell of Bowie the Senate, at 6:50 o'clock, recessed until 8 o'clock tonight.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SENATE BILL NO. 4.

Action occurred on Senate bill No. 4, the question being on the motion to substitute the minority committee report for the majority committee report.

The motion to adopt the minority committee report was lost by the following vote:

Yeas—11.

Alexander.	Stokes.
Bryan.	Terrell of Bowie.
Harper.	Terrell of
Hayter.	McLennan.
Holsey.	Veale.
Mayfield.	Ward.

Nays—15.

Adams.	Paulus.
Greer.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Kellie.	Senter.
Masterson.	Sturgeon.
Meachum.	Willacy.
Murray.	

PAIRED.

Senator Cofer (present), who would vote "yea," with Senator Weinert (absent), who would vote "nay."

Senator Watson (present), who would vote "nay," with Senator Brachfield (absent), who would vote "yea."

The majority committee report was then adopted by the following vote:

Yeas—15.

Adams.	Paulus.
Greer.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Kellie.	Senter.
Masterson.	Sturgeon.
Meachum.	Willacy.
Murray.	

Nays—11.

Alexander.	Stokes.
Bryan.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Veale.
Holsey.	Ward.
Mayfield.	

PAIRED.

Senator Cofer (present), who would vote "nay," with Senator Weinert (absent), who would vote "yea."

Senator Watson (present), who would vote "nay," with Senator Brachfield (absent), who would vote "yea."

Senator Alexander offered the following amendment:

Amend the bill by striking out all after the word "act," line 12, page 6 of printed bill, and insert the following: "To create a State Banking Board; to define its powers and duties; to provide for a depositors' guaranty fund under the supervision of said board, and fixing the conditions and terms by which banks and trust companies may avail their depositors of the benefit of said fund; fixing the amounts to be paid for the creation of said fund and the manner and time of payments; fixing the manner of management and administration

of said fund; authorizing certain advertising privileges to such banks, and providing a penalty for the unauthorized use of such advertising privileges, and providing for savings departments for State banks, and declaring an emergency.

"Be it enacted by the Legislature of the State of Texas:

"Section 1. A State Banking Board is hereby created, which board shall be composed of the Governor, Lieutenant Governor, Commissioner of Insurance and Banking, Comptroller and Treasurer of this State. Said board shall have the control and management of the depositors' guaranty fund hereinafter provided for, and shall have the power to adopt all necessary rules and regulations, in harmony with this act, for the management of said fund.

"Sec. 2. Each and every corporation created, or which may hereafter be incorporated under the laws of this State with banking and discount privileges, shall pay to said Banking Board, providing its application is approved by said board hereinafter prescribed in Section 5 of this act within sixty days after this act shall take effect, 1 per cent of its daily average non-interest bearing individual deposits, for the preceding year, not including United States, State or other public funds, if otherwise secured, nor deposits of other banks and trust companies, for the purpose of creating a depositors' guaranty fund. Annually, after the first payment to said fund, each bank and trust company subject to the provisions of this act shall pay to said board one-fourth of 1 per cent of its daily average deposits, as above defined, which amount shall be added to said guaranty fund; provided, that when the amount available in said guaranty fund shall reach the sum of two million dollars the Bank Commissioner shall notify all bank and trust companies subject to this act, at least thirty days before the next annual payment, and thereafter the banks and trust companies participating shall not pay any further amount into said fund until said fund be depleted, and in the event of the depletion of said fund from any cause so that it falls below two million dollars, said board shall have authority to require the payment for the current year of the full 1 per cent of such average deposits, or such part thereof as may be necessary to restore said fund to the maximum above named, but no bank or trust company coming under the pro-

visions of this act shall ever be required to pay more than 1 per cent of said average daily deposits for any one year; provided further, that first payments herein provided for shall be made to said board without reference to said maximum sum.

"Sec. 3. The fund provided for herein shall be deposited with the State Treasurer and a separate account shall be kept thereof, and it shall be paid out on warrants of the Comptroller based on vouchers issued as may be prescribed by the said Banking Board, and said fund shall never be diverted from the purpose herein specified. The Treasurer may, and he shall on order of said Banking Board keep 50 per cent of the amount of said guaranty fund deposited in State depositories, subject to demand call of said board; provided, that 25 per cent of all payments required may be held by guaranteed banks as demand deposits, to the credit of said Banking Board.

"Sec. 4. State bank and trust companies organized subsequent to the taking effect of this law, on approval of their applications as provided for in Section 5 of this act, shall pay into said guaranty fund 2 per cent of the amount of their capital stock, which amount shall constitute a credit fund, subject to adjustment on the basis of their deposits as provided for other banks now existing, at the end of one year; provided, however, that said payment shall not be required of banks and trust companies formed by the reorganization or consolidation of banks that have previously complied with the terms of this act.

"Sec. 5. The State Banking Board shall admit to the benefits and protection of this act only such banks and trust companies as, in their opinion are solvent and properly officered and conducted, and said board shall prescribe the form of application and statement which shall be made by each and every bank and trust company, and which shall be sworn to by two of the chief officers of the bank, blank copies of which application and statement shall be mailed to each State bank and trust company in this State at least ten days before this act requires the initial payment, and which shall be filled out, signed, sworn to and returned promptly to said board, and such copies shall be mailed to any other bank within this State on request. Should said board decline the application of any bank or trust company it shall state the grounds of such declination to such institution

and whether the objection can be removed, and the conditions thereof.

"Sec. 6. Any national bank in this State may voluntarily avail its depositors of the protection of the depositors' guaranty fund, upon the same terms, payments, conditions and in the same manner as herein provided for State banks.

"Sec. 7. Whenever any State bank or trust company shall become insolvent and shall voluntarily, or by law, or in any manner as provided in Chapter 10, Acts of First Called Session of the Twenty-ninth Legislature, come into the hands of the Commissioner of Insurance and Banking, he may proceed to wind up its affairs, either through a receiver or through some competent person, who shall give such bond as may be required by the board, payable to the board, for the faithful performance of all duties imposed upon him. Said bond may be recovered upon for the benefit of said guaranty fund.

"Sec. 8. In the event the Commissioner of Insurance and Banking shall take possession of any bank or trust company, subject to this act, as herein provided, the depositors of said bank or trust company, as specified in Section 2 of this act, shall be paid in full out of the cash in said bank or trust company and that can be made immediately available from such bank, and the remainder shall be paid out of the depositors' guaranty fund through the said board in the event the cash available in said institution shall be insufficient; provided, that deposits on which interest is being paid by said bank, its officers or stockholders, to the depositor and deposits otherwise secured, shall not be insured under this act, but shall only receive the pro rata amount which may be realized from the assets, resources and collections of and from such bank or trust company, its stockholders or directors.

"Sec. 9. The State shall have, for the benefit of the depositors' guaranty fund, a first lien upon all the assets of such bank or trust company, and all liabilities owing or accruing to such bank or trust company; provided, however, that any deposits on which said bank was paying interest and any other deposits not insured under this act and which are entitled to share in said assets, shall share in the dividends and proceeds of such assets and collections pro rata or as may be provided by law.

"Sec. 10. In the event the depositors' guaranty fund, or any part thereof,

shall be used by said Banking Board to pay off the depositors of a national bank which has accepted the provisions of this law, then the said Banking Board shall receive from the receiver or other officer in charge of said bank the pro rata share of the proceeds of the assets and collections which would be due to said depositors to the amount so paid by the Banking Board.

"Sec. 11. A proper certificate, showing a compliance with this act, shall be issued by the Commissioner of Insurance and Banking, to all banks and trust companies entitled thereto, which certificate shall be posted in a conspicuous place in said bank or trust company. Such bank or trust company may print or engrave upon its stationery and advertisements words to the effect that its depositors are protected by the depositors' guaranty fund of the State of Texas, and any person, or any officer or director of any bank or trust company engraving or printing a false statement as to this fact, or using such false statement upon its stationery or advertisements, shall be guilty of a felony, and shall be punished by imprisonment in the State penitentiary not less than two nor more than five years, on conviction thereof.

"Sec. 12. Any State bank or banking and trust company, incorporated under the laws of this State, desiring to maintain a savings department or to use or continue to use the word 'savings' as part of its corporate name, or in or as a part of any sign or advertisement, or in or upon any stationery used or to be used by it, shall establish and maintain a savings department in compliance with the provisions of this section. Such savings department may be established by the board of directors adopting a resolution providing therefor, at a regular meeting, which shall contain a copy of this section, and a certified copy of which shall be filed in the office of the Commissioner of Insurance and Banking, and also recorded in the office of the county clerk of the county in which such bank or banking and trust company is located; such copies to be so filed by banks or banking and trust companies maintaining savings departments and using the word 'savings' as above provided at the time this act shall take effect, and which desire to continue to do so, within ninety days from the time this act shall take effect, and to be filed by banks desiring to establish such savings departments after this act shall take effect prior to the estab-

lishment of such department. All banks or banking and trust companies establishing or maintaining a savings department or using the word 'savings' as above provided after this act shall take effect, or which, having such departments or so using the word 'savings' at the time this act shall take effect shall continue to maintain such departments or to so use the word 'savings' more than ninety days thereafter shall keep the business of such department entirely separate and distinct from the general business of the bank or banking and trust company and shall keep all moneys received as such savings deposits and the funds and securities in which the same may be invested, at all times segregated from and unmingled with the other moneys and funds of the bank or banking and trust company, and may invest not more than 85 per cent of the total amount of such savings deposits in any of the following classes of securities, and not otherwise, to wit:

"1. In bonds or interest-bearing notes or obligations of the United States or of those for which the faith of the United States is pledged for the payment of principal and interest.

"2. In bonds of any city, county, town or school district or other subdivision of this State, now organized or which may hereafter be organized, and which is now or may hereafter be authorized to issue bonds under the Constitution and laws of this State, which has not defaulted in the payment of any part of either principal or interest thereof, within five years previous to making such investments.

"3. In bonds of the State of Texas or of any State in the Union that has not within the last five years previous to making such investment defaulted in the payment of any part of either principal or interest thereof.

"4. In the first mortgage bonds of any steam or electric railroad, the income of which is sufficient to pay all operating expenses and fixed charges, which has its domicile in the State.

"5. In bonds or notes secured by first mortgage, deed of trust or other valid first lien on unincumbered improved real estate to run for a term not longer than ten years, situated in the State, worth at least twice the amount loaned thereon, such bonds or notes to be always accompanied by a complete abstract of title to the property mortgaged and an attorney's certificate or title insurance policy in some company incorporated under the laws

of this State, certifying said bonds or notes to be first lien on the land mortgaged.

"It shall be the duty of the directors of such bank or banking and trust company, as soon as practicable, to invest the moneys and funds of such savings department, by purchase or otherwise, in the securities above described, and from time to time to sell and reinvest the proceeds of such investments, but for the purpose of meeting current demands in excess of the receipt, any of the securities may be sold, or taken up and replaced in cash by the bank or banking and trust company out of its general fund, and there shall be kept on hand at all times not less than 15 per cent of the whole amount of such deposits in actual cash, in such savings department.

"It shall be lawful to require sixty days' written notice of the withdrawal of any savings deposit, as provided for in this section, at the option of the bank or banking and trust company, in case of the insolvency or liquidation of any State bank or banking and trust company which shall establish or maintain a savings department under the terms of this section, its savings depositors and the remainder, after they have been paid in full, shall be applied in payment of claims of general creditors. It shall be the duty of the president or vice-president and the cashier of each State bank or banking and trust company maintaining a savings department under the provisions of this section, to file with the Commissioner of Insurance and Banking not less than ten days after the first calendar month, a statement of the assets and liabilities of such savings department, upon a form to be prescribed by the Commissioner of Insurance and Banking, and it shall be unlawful for any officer of any State bank or banking and trust company to receive or assent to the receiving of any savings deposits when the last preceding monthly statement, as herein provided for, is not conspicuously posted in the office or from where its business is transacted.

"The directors of any bank or banking and trust company establishing or maintaining or continuing to maintain a savings department may provide that such rate of interest shall be paid on its savings deposits as it may see fit, payable at such periods and upon such terms and conditions as may be reasonable; provided, that in any case the earnings of such savings department are

sufficient to pay any interest due upon any savings deposit such interest or the deficiency therein shall be paid by the bank or banking and trust company out of its general funds. At the end of any period for which such bank or banking and trust company may lawfully declare a dividend upon its stock, it shall be proper to transfer to the general funds of such bank or banking and trust company all accumulated earnings of the said savings department after the payment or credit of all interest due and accrued on savings deposits and the legitimate expenses of such departments have been provided for. In computing the aggregate amount of the average annual deposits of any bank or banking and trust company for the purpose of ascertaining whether or not it shall be required to increase its capital stock as provided for in Section 17 of this act, the deposits of its savings department, as provided in this section shall not be included. All such savings departments shall be governed by the terms and provisions of this act so far as same are applicable and are not in conflict with the special provisions of this section, and shall also be governed by such provisions of this section, and shall also be governed by such provisions of the laws of this State applicable to savings banks as are not in conflict with any provisions of this act or of this section, and such reasonable rules and regulations for the control of such savings departments may be adopted and put in force by the board of directors at any regular meeting or by the stockholders at any annual meeting, provided that such rules and regulations shall not become effective until they have been submitted to the Commissioner of Insurance and Banking and by him approved.

"It shall be unlawful for any officer or director of any bank or banking and trust company which shall establish or maintain or continue to maintain a savings department or which shall use or continue to use the word 'savings' as provided in this section to knowingly misappropriate any moneys or funds belonging to such savings department or to use or consent to the use of any such moneys or funds otherwise than for the payment of lawful demands of savings depositors, and in the making of such investments as are prescribed in this section, and in the payment of such dividends to the shareholders as are allowed by law to be paid therefrom, or to borrow any of the funds belonging to such savings department, or to in

any way be an obligor for moneys loaned by or borrowed of such savings department, or to receive or accept, directly or indirectly, any commission, brokerage, or other valuable thing or favor of any kind by reason or on account of any loan or investment made out of the funds of such savings department, or to sell to such savings department any securities or other investment, or willfully and knowingly do or perform any act or transaction, by or as a result of which at any time the assets of such savings department, including cash, shall not at least equal in amount the deposits in such savings department, at least 15 per cent of which shall be actual cash in such savings department.

"Any officer or director of any State bank or banking and trust company who shall knowingly violate the provisions of this section shall be deemed guilty of a felony and shall, upon conviction, be punished by imprisonment in the State penitentiary for a term of not less than one nor more than five years.

"Sec. 13. The fact that there is no law in this State providing for a fund for the protection of depositors in banks and trust companies creates an emergency which requires that the constitutional rule that bills be read on three several days be suspended, and this act take effect from and after its passage, and it is so enacted."

Senator Watson offered the following substitute for the amendment, which is known as the Senter-Hume bill:

A BILL

To be entitled

An Act to require each corporation organized under the laws of this State to do a banking business or to receive funds on deposit to file annually with the Superintendent of Banking for the State a bond, or policy of insurance, or other guaranty of indemnity, to be approved by the county judge of the county in which such business is domiciled and by such Superintendent, to secure the depositors in such bank or other depository at such time for the succeeding year, and fixing the terms of such bond, policy of insurance, or other guaranty of indemnity, and authorizing any other person, firm or corporation doing a banking business in the State, or receiving funds on deposit, to take the benefit of the provisions of this act, and providing for the issuance of certificates, by the Superintendent of Banking, showing

compliance with the provisions of this act, and providing for the enforcement of the terms and conditions of such bond or policy of insurance or other guaranty of indemnity, and providing for the forfeiture of the charter of any corporation organized under the laws of this State to do a banking business or to receive funds on deposit which shall fail or refuse to comply with the provisions of this act, and providing that any corporation not incorporated under the laws of Texas, and transacting business in the State under a permit therefrom which shall violate the provisions of this act shall not receive another permit from the State, and that the makers or signers as sureties of any bond or policy of insurance or other guaranty of indemnity executed hereunder upon making payments thereunder shall be subrogated to the rights of the depositors for whose benefit such payments shall be made, and providing penalties for the violation of the provisions of this act and for their enforcement, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be the duty of each banking corporation, or other corporation receiving funds on deposit, created under the laws of the State of Texas and transacting business in the State, to file annually with the Superintendent of Banking a bond, policy of insurance, or other guaranty of indemnity in an amount equal to twice the amount of its capital stock, which said bond, policy of insurance or other guaranty of indemnity shall be for and inure to the benefit of all depositors. Such instrument and the security thereby provided shall be approved by the county judge of the county in which such business is domiciled, and by the Superintendent of Banking, and shall take effect and be in force from and after the time it is approved and filed in the office of the Superintendent of Banking. Every such corporation shall comply with the provisions of this act within thirty days after the time said act shall take effect, and every such corporation that may hereafter be incorporated shall comply with the provisions of this section before it shall be permitted to receive deposits. Every such bond or policy of insurance or other guaranty of indemnity filed as provided for in this act shall secure depositors at the time said bond is filed and approved,

and all deposits made during the period of twelve months thereafter.

Sec. 2. Any person, firm or corporation other than as described in Section 1 hereof transacting lawfully a banking business in this State, or lawfully receiving funds on deposit, shall be authorized to take advantage of the provisions of this act and to file with the Superintendent of Banking a bond, or policy of insurance, or other guaranty of indemnity. Any such corporation shall, in such event, file a bond, or policy of insurance, or guaranty of indemnity in like amount as it would be required to file if incorporated under the laws of Texas. Any such person or firm transacting the business of a private bank shall in such event file a bond or policy of insurance or other guaranty of indemnity in an amount equal to the average of the daily deposits with such person or firm for the preceding period of twelve months; provided, that no person or firm shall be permitted to take the benefit of this act unless such person or firm shall have been engaged in such business in the State of Texas for the period of at least twelve months; provided, that any such person, firm or corporation shall submit to the Superintendent of Banking such reports and statements concerning its deposits and concerning the solvency of such bond, or policy of insurance, or other guaranty of indemnity as he may require in order to enable him to determine the sufficiency of such bond, or policy of insurance, or other guaranty of indemnity, and shall pay all such reasonable expenses as may be incurred by him in the making of an examination thereof; provided further, that such bond, policy of insurance or other guaranty of indemnity shall be approved by the county judge and the Superintendent of Banking, and filed with said Superintendent of Banking as provided for in Section 1 hereof.

Sec. 3. In the event of default by any person, firm or corporation transacting such business of receiving deposits which shall make, execute or file the bond, or policy of insurance, or other guaranty of indemnity provided for herein, in the payment of a deposit lawfully demanded, it shall be the duty of the Superintendent of Banking, when such default shall be made known to him, to report the same to the Attorney General of the State, and to give notice thereof to each and all persons who may be obligated by reason of such default and of the conditions of such bond, or policy

of insurance, or other guaranty of indemnity, and upon the mailing of such notice the full amount of the same shall thereby become due and payable.

When any bond or policy of insurance or other guaranty of indemnity provided for herein shall become due and payable in accordance with the provisions of this act, it shall be the duty of the makers and signers thereof to pay over the full amount of the same to the Superintendent of Banking, or such part thereof as he may demand, to be held by him in trust for the depositors with the person, firm or corporation furnishing such bond or policy of insurance or other guaranty of indemnity. All proceeds thus arising, either from voluntary payment or otherwise, shall be payable to the Superintendent of Banking and shall be by him promptly paid over pro rata to unpaid depositors upon presentation to him of satisfactory proofs of their claims, which proofs shall be received and filed, and before payment thereof shall be approved by him.

In the event any maker or signer as sureties of such bond or policy of insurance or other guaranty of indemnity shall be a corporation incorporated under the laws of Texas and it shall refuse or fail to pay over upon demand therefor, as herein provided, the full amount due by it upon such bond or policy of insurance or other guaranty of indemnity, its charter shall thereby become subject to forfeiture, and it shall be the duty of the Attorney General upon receiving notice thereof from the Superintendent of Banking to bring suit in the district court of Travis county, Texas, to forfeit such charter, and upon hearing thereof decree and judgment may be rendered annulling and forfeiting the charter of such corporation.

In the event any maker or signer as surety of such bond, or policy of insurance, or other guaranty of indemnity, shall be a corporation incorporated elsewhere than in the State of Texas and transacting business in this State under a permit from the State, and it shall refuse or fail to pay over on demand therefor by the Superintendent of Banking, as herein provided, the full amount of its liability upon any such bond, or policy of insurance, or other guaranty of indemnity, it shall thereupon be the duty of the Superintendent of Banking to notify the Secretary of State of said facts, and it shall be the duty of the Secretary of State and the Superintendent of Banking and Commissioner of Insurance thereafter to refuse

any permit to said corporation to transact business in the State until it shall show to the satisfaction of such officers that it has fully discharged its liability upon such bond or policy of insurance or other guaranty of indemnity upon which default was thus made.

In the event such person, firm or corporation in default in the payment of a default lawfully demanded shall so continue for the period of ninety days from the beginning thereof, and the obligation of such bond, or policy of insurance, or other guarantee indemnity is not discharged, it shall be the duty of the Attorney General, or any district or county attorney acting at his instance, to bring suit upon such bond or policy of insurance or other guaranty of indemnity in the name of the Governor and for the benefit of all persons who may be beneficiaries thereof by reason of its terms and conditions. Such suit shall be instituted in the district court of the county where the person, firm or corporation furnishing such bond, policy of insurance or other guaranty of indemnity transacted such business at the time of the filing thereof. Any action upon such bond, or policy of insurance, or other guaranty of indemnity shall be brought within twelve months of the date therein fixed for the termination thereof.

Sec. 4. Whenever any maker or signer of any bond, or policy of insurance, or other guaranty of indemnity other than the principal therein, shall be required under the provisions of this act to pay over for the benefit of the depositors with any person, firm or corporation, any sum or sums of money, such maker or signer making or participating in such payment shall thereby become subrogated to the rights of a depositor to the extent of the payment or payments so made, and entitled to assert such right in accordance with the laws of the State, secondary and subject to the rights of all depositors secured by such bond, or policy of insurance or other guaranty of indemnity.

Sec. 5. The Superintendent of Banking shall charge a fee of not to exceed \$20 against each corporation incorporated under the laws of the State to do a banking business or to receive funds on deposit for the examination of the bond, or policy of insurance, or other guaranty of indemnity provided for in Section 1 and the examination of the solvency thereof and for the filing of the same shall be authorized to charge an examination fee sufficient to cover the actual expenses thereof against any

other person, firm or corporation permitted to file such bond, or policy of insurance, or other guaranty of indemnity under the provisions of this act.

Sec. 6. The bond, or policy of insurance, or other guaranty of indemnity herein provided for shall contain substantially the following provisions:

The State of Texas,
County of

Know all men by these presents: That we,, as principal, and and as sureties, are held and firmly bound unto the Governor of the State of Texas, and his successors in office in trust for the benefit of depositors in the sum of dollars, payable as provided by the law of Texas at the time of the execution hereof, conditioned that the above bound..... will pay upon demand, or in accordance with the certificates of deposit, to the persons entitled thereto all deposits in said bank at the date of said bond and all other deposits made therein during the period of one year from the date thereof. Upon payment of any sum or sums made obligatory by reason of the terms hereof, any surety herein making or participating in such payment shall thereby be subrogated to the rights of a depositor and entitled to assert such rights in accordance with the laws of the State, secondary and subject to the rights of all depositors secured by the terms hereof.

Sec. 7. The security for the benefit of depositors provided for by this act may be divided into two or more bonds, policies of insurance, or other guaranties of indemnity, or any part thereof may be given in either of such forms of guaranty of indemnity provided that the aggregate thereof shall be equal to the total amount of the security required in accordance with the provisions of this act.

Sec. 8. Whenever the deposits of any corporation incorporated under the laws of Texas which shall have filed a bond, or policy of insurance, or other guaranty of indemnity with the Superintendent of Banking in accordance with the provisions of this act shall exceed five times the amount of its capital, it shall be its duty to furnish, in addition to the security theretofore so given, additional security for the protection of its depositors, which additional security shall consist of one or more bonds, or policies of insurance, or other guaranties of in-

demnity, as herein provided, in a sum or sums which shall, in the aggregate, be equal to the total amount of such excess of deposits above five times the amount of the capital of such corporation. In the event any such corporation shall refuse or fail to comply with the provisions of this section, after demand by the Superintendent of Banking, it shall be his duty to report the facts to the Attorney General, who shall thereupon institute suit in the district court of Travis county to forfeit the charter of such corporation, and such court shall, upon hearing and proof thereof, enter decree and judgment therein forfeiting and annulling the charter of such corporation.

Sec. 9. If any corporation organized under the laws of this State to do a banking business or to receive funds on deposit shall fail or refuse to file the bond, or policy of insurance, or other guaranty of indemnity, provided for in Section 1 hereof, in accordance therewith, it shall be the duty of the Superintendent of Banking to promptly report such failure to the Attorney General, who shall thereupon institute suit in the district court of Travis county to forfeit the charter of such corporation, and such court shall, upon hearing and proof thereof, enter decree and judgment therein forfeiting and annulling the charter of such corporation.

Sec. 10. If at any time it shall appear to the Superintendent of Banking that any bond or policy of insurance or other guaranty of indemnity filed as provided for herein by any corporation organized under the laws of Texas is insufficient, he shall have the authority, and it shall be his duty, to require such corporation to file new or additional security in an amount sufficient to protect its depositors in accordance with the provisions of this act. In the event such corporation shall refuse or fail to comply with such, communicate the facts to the Attorney General, who shall thereupon institute such proceedings and take such steps as the nature of the case may require. The Superintendent of Banking and the Attorney General shall in such event have and exercise, for the protection of depositors, all the authority conferred upon them by Section 40 of Chapter 10 of the General Laws enacted at the First Called Session of the Twenty-ninth Legislature.

Sec. 11. The Superintendent of Banking shall issue to every person, firm or corporation acting hereunder and entitled thereto a proper certificate showing compliance with the provisions of this act and the amount and nature of the security furnished. Such person, firm or corporation, shall post such certificate conspicuously in its place of business, and may publish or advertise said certificate, or the facts recited therein; provided, any person, firm or corporation which shall falsely publish, advertise or represent, or cause to be falsely published, advertised, or represented any statement of compliance with the provisions of this act, or any false statement as to the terms of such certificate, or the facts recited in said certificate, shall be deemed guilty of a misdemeanor and shall be punished for each offense by fine not to exceed one thousand dollars.

Sec. 12. The fact that no adequate provision now exists for the execution and filing of bonds or other indemnities for the protection of depositors in banking, and other concerns receiving funds for deposit in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is hereby suspended; and that this act take effect and be in force from and after its passage, and it is so enacted.

The reading of the above amendment and substitute was dispensed with on motion of Senators Meachum and Watson.

The substitute for the amendment was adopted by the following vote:

Yeas—15.

Adams.	Paulus.
Greer.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Kellie.	Senter.
Masterson.	Sturgeon.
Murray.	Willacy.
Meachum.	

Nays—11.

Alexander.	Stokes.
Bryan.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Veale.
Holsey.	Ward.
Mayfield.	

PAIRED.

Senator Cofer (present), who would vote "nay," with Senator Weinert (absent), who would vote "yea."

Senator Watson (present), who would vote "yea," with Senator Brachfield (absent), who would vote "nay."

The amendment, as substituted, was then adopted.

Senator Watson offered the following amendment, which was read and adopted:

Amend the bill by striking out all of the caption after the words "A bill to be entitled" and insert in lieu thereof the following: An Act to require each corporation organized under the laws of this State to do a banking business or to receive funds on deposit to file annually with the Superintendent of Banking for the State a bond, or policy of insurance, or other guaranty of indemnity, to be approved by the county judge of the county in which such business is domiciled and by such superintendent, to secure the depositors in such bank or other depository at such time and for the succeeding year, and fixing the terms of such bond, policy of insurance, or other guaranty of indemnity, and authorizing any person, firm or corporation doing a banking business in the State, or receiving funds on deposit, to take the benefits of the provisions of this act and providing for the issuance of certificates by the Superintendent of Banking showing compliance with the provisions of this act, and providing for the enforcement of the terms and conditions of such bond or policy of insurance or other guaranty of indemnity, and providing for the forfeiture of the charter of any corporation organized under the laws of this State to do a banking business or to receive funds on deposit which shall fail or refuse to comply with the provisions of this act, and providing that any corporation not incorporated under the laws of Texas, and transacting business in the State under a permit therefrom which shall violate the provisions of this act shall not receive another permit from the State, and that the makers or signers as sureties of any bond or policy of insurance or other guaranty of indemnity hereunder upon making payments thereunder shall be subrogated to the rights of the depositors for whose benefit such payments shall be made, and providing penalties for the violation of the provisions of this act and for their

enforcement, and declaring an emergency.

MASTERSON,
ADAMS,
PERKINS,
REAL,
MURRAY,
WATSON,
SEETER,
HUME,
KELLIE,
PAULUS,
WEINERT,
HUDSPETH,
STURGEON,
WILLACY,
GREER,
PEELER.

Senator Watson offered the following amendment, which was read and adopted:

Amend the bill by striking out the words "Superintendent of Banking" wherever it may occur in the bill and insert in lieu thereof the following: "Commissioner of Insurance and Banking."

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill, page 3, Section 3, by adding after the word "payable," in line 11, the following: "In case the bond hereinabove provided for shall be executed by personal obligation or security, then in no event shall such bond be deemed adequate and sufficient unless and until it shall have been executed by at least three different persons or individuals of financial responsibility and solvency satisfactory to the authorities herein authorized by this act to approve such bond."

Senator Meachum offered the following amendment:

Amend the bill, Section 3, by adding at the end of said Section 3 the following: "In the event any person, firm, corporation or association of persons executing or signing the bond or guaranty herein provided for, shall transfer such portion of his or its property within four months prior to the service of the notice hereinabove provided for in case of default in the payment of the deposit lawfully demanded, as that his remaining property, over and above all lawful exemptions, would be insufficient to meet the requirements of the obligation in said bond or guaranty incurred and assumed, then, in such event, such transfer of said property shall be void as to any unpaid balance due and payable under said bond or guaranty, and there shall be and is hereby created a preference lien upon the property so

undertaken to be transferred in favor of the State Superintendent of Banking as trustee for and on behalf of the lawful depositors of any such person, firm or corporation so making default in the payment of its depositor, or depositors, to the extent of any portion of any unpaid liability due and owing upon such bond or guaranty, provided that the satisfaction of such bond or guaranty as provided for in this act, and the terms of such bond, shall satisfy and discharge such preference lien hereinabove provided for."

Senator Watson offered the following amendment to the amendment:

Amend the amendment between the words "shall" and "transfer," in line 5, by adding the following: "With the intent to defraud or to prefer a creditor."

WATSON,
MASTERTON.

Senator Alexander moved the previous question on the amendment and the amendment to the amendment, which motion being duly seconded, was so ordered.

Action recurred on the amendment to the amendment, which was lost by the following vote:

Yeas—13.

Adams.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Kellie.	Senter.
Masterson.	Sturgeon.
Murray.	Willacy.
Paulus.	

Nays—13.

Alexander.	Meachum.
Bryan.	Stokes.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Veale.
Holsey.	Ward.
Mayfield.	

The vote being a tie, Lieutenant Governor Davidson voted "nay," and declared the amendment lost.

PAIRED.

Senator Cofer (present), who would vote "nay," with Senator Weinert (absent), who would vote "yea."

Senator Watson (present), who would vote "yea," with Senator Brachfield (absent), who would vote "nay."

The amendment was then adopted by the following vote:

Yeas—14.

Alexander.	Meachum.
Bryan.	Perkins.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Mayfield.	Ward.

Nays—12.

Adams.	Paulus.
Hudspeth.	Peeler.
Hume.	Real.
Kellie.	Senter.
Masterson.	Sturgeon.
Murray.	Willacy.

PAIRED.

Senator Cofer (present), who would vote "yea," with Senator Weinert (absent), who would vote "nay."

Senator Watson (present), who would vote "nay," with Senator Brachfield (absent), who would vote "yea."

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill, page 2, Section 1, line 8, by adding after the words "shall be for and insure to the benefit of all depositors" the following: "And shall be cumulative of any and all other security or liability whatsoever provided by law for the security of depositors."

Senator Meachum offered the following amendment:

Amend the bill, page 5, Section 3, line 14, by adding a comma instead of a period, after the word "thereof," and then insert the following: "Or in any county immediately adjacent thereto at the option of the Attorney General."

Senator Alexander moved the previous question on the amendment and the bill, which motion being duly seconded, was so ordered.

The amendment was then adopted.

The bill was read second time, and ordered engrossed by the following vote:

Yeas—14.

Adams.	Paulus.
Greer.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Masterson.	Senter.
Meachum.	Sturgeon.
Murray.	Willacy.

Nays—10.

Alexander.	Harper.
Bryan.	Hayter.

Holsey. Terrell of McLennan.
Mayfield. Veale.
Terrell of Bowie. Ward.

PAIRED.

Senator Kellie (present), who would vote "yea," with Senator Stokes (absent), who would vote "nay."

Senator Cofer (present), who would vote "nay," with Senator Weinert (absent), who would vote "yea."

Senator Watson (present), who would vote "yea," with Senator Brachfield (absent), who would vote "nay."

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Murray.
Bryan.	Paulus.
Greer.	Peeler.
Hayter.	Perkins.
Holsey.	Real.
Hudspeth.	Senter.
Hume.	Sturgeon.
Kellie.	Terrell of Bowie.
Masterson.	Terrell of McLennan.
Mayfield.	Willacy.

Nays—3.

Harper.	Ward.
Veale.	
	Absent.
Stokes.	

PAIRED.

Senator Watson (present), who would vote "yea," with Senator Brachfield (absent), who would vote "nay."

Senator Cofer (present), who would vote "nay," with Senator Weinert (absent), who would vote "yea."

The bill was read third time, and passed by the following vote:

Yeas—14.

Adams.	Paulus.
Greer.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Masterson.	Senter.
Meachum.	Sturgeon.
Murray.	Willacy.

Nays—10.

Alexander.	Hayter.
Bryan.	Holsey.
Harper.	Mayfield.

Terrell of Bowie. Veale.
Terrell of McLennan. Ward.

PAIRED.

Senator Kellie (present), who would vote "yea," with Senator Stokes (absent), who would vote "nay."

Senator Cofer (present), who would vote "nay," with Senator Weinert (absent), who would vote "yea."

Senator Watson (present), who would vote "yea," with Senator Brachfield (absent), who would vote "nay."

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

ADJOURNMENT.

On motion of Senator Hudspeth, the Senate adjourned until 10 o'clock Monday morning.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, April 2, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 87, A bill to be entitled "An Act to authorize any county or political subdivision or other defined district of a county, upon a vote of two-thirds majority of the resident property taxpayers voting thereon, who are qualified electors of such county or political subdivision or defined districts of the county to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county or political subdivision or defined district thereof, and to levy and collect taxes to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, graveled and paved roads and turnpikes or in aid thereof; creating road districts; making them bodies corporate; creating the office of road superintendent; providing that any county operating under a special road law may take advantage of any of the provisions of this act; repealing Senate bill No.

264, passed by the Regular Session of the Thirty-first Legislature, and House bill No. 727, passed by the Thirtieth Legislature, and all other laws and parts of laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, April 3, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 64, A bill to be entitled "An Act to authorize and empower the State Health Officer to isolate and return to their homes indigent consumptives sojourning in other sections of the State, providing appropriation to carry this law into effect, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, April 3, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 82, A bill to be entitled "An Act to amend Chapter 75 of the General Laws of the State of Texas, passed by the Twenty-seventh Legislature, creating a more efficient road system for Grayson county, and Chapter 65 of the Special Laws of said State, amendatory hereof, passed by the Thirtieth Legislature, at its Regular Session, providing for the creation of road districts in any political subdivision or any defined district hereafter to be described in said county, prescribing the procedure necessary to the creation of such district; authorizing such district to issue bonds for the purpose of constructing and maintaining under the direction of the commissioners court of said county of macadamized, graveled or paved roads or turnpikes, or in aid thereof; providing for the holding of election and the manner thereof, to determine whether or not said bonds shall be issued; declaring the qualification of voters at such election; providing for the interest on such bonds and creating a sinking fund for the retirement of same, and providing for the assessment and collection of taxes for

such purpose; providing for the investment of said sinking fund and for its custody and deposit when not invested; providing that the courts shall take notice of this act in the same manner as general laws of the State, making it cumulative of the General Laws of the State except when in conflict with this act, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, April 3, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 74, A bill to be entitled "An Act giving to the Commissioner of Agriculture the power and making it his duty to appoint a competent drainage and irrigation engineer, prescribing his duties, fixing his compensation, and declaring an emergency,"

And find the same correctly engrossed.

HAYTER, Acting Chairman.

Committee Room,

Austin, Texas, April 2, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 12, A bill to be entitled "An Act providing for the appointment of official shorthand reporters for districts by the judges thereof to report cases; providing for the time and method of making and filing typewritten transcripts of such reports; providing for the time and method of making and filing statements of facts and bills of exceptions on appeals; providing for the qualifications, duties and compensations of such official shorthand reporters; repealing Chapter 24, page 509, Acts of the First Called Session of the Thirtieth Legislature of the State of Texas, and all other laws or parts of laws in conflict with this act, and declaring an emergency,"

And find the same correctly engrossed.

HAYTER, Acting Chairman.

Committee Room,

Austin, Texas, April 2, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred.

House bill No. 3, A bill to be entitled

"An Act to amend Article 529n of the Penal Code of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature of the State of Texas; Article 529h of Chapter 98 of the acts of the Regular Session of the Twenty-fifth Legislature of Texas; Article 259g of Chapter 90 of the acts of the Regular Session of the Twenty-ninth Legislature of Texas; Article 2518c, 2518c¹, 2518m, 529e, 529j, 529p of Chapter 126 of the acts of the Regular Session of the Thirtieth Legislature of Texas and adding thereto Article 5518k¹, referring to licenses required of dealers in fish and oysters, and Article 259j¹, referring to the screening of pumps, etc., and repealing all laws and parts of laws in conflict with the above, relating to the duties and powers of the Game, Fish and Oyster Commissioner, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following amendment:

Amend Article 2518c by striking out \$150 per month as the salary of the chief deputy, and inserting \$125 per month.

HARPER, Chairman.

(Floor Report.)

Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

Senate bill No. 85, A bill to be entitled "An Act creating and incorporating the Bronte Independent School District in Coke county, Texas, and defining its boundaries, providing for the election of a board of trustees to buy, assess and collect a tax of not exceeding 50 cents on \$100 of all property in said district subject to taxation for all purposes, including maintenance of its schools," etc.,

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Harper, Bryan, Hume, Real, Weinert, Meachum.

(Floor Report.)

Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

Senate bill No. 86, A bill to be entitled

"An Act creating and incorporating the Robert Lee Independent School District in Coke county, Texas, and defining its boundaries, providing for the election of a board of trustees thereof and defining their duties, powers and authority; authorizing said board of trustees to buy, assess and collect a tax of not exceeding 50 cents on \$100 of all property in said district subject to taxation for all purposes, including maintenance of its schools, purchasing and constructing public free school buildings and sites therefor within the district, and for equipping and furnishing the same, and to issue bonds for such building and purchasing and equipping and furnishing and for subdividing tax levies when made, and the funds when collected, and providing for elections and the proposition to levy taxes and issue such bonds, and providing that the trustees when elected and qualified shall take over and assume control of all the district school property and funds within and for the limits of the district and make use of same for public school purposes, and assume and pay all legal indebtedness and obligations now owned by or outstanding against Robert Lee High School corporation in Coke county, Texas, and investing said district and the board of trustees thereof with all the rights, powers, privileges and duties conferred and imposed by general laws upon the independent school district and the board of trustees thereof formed by the incorporation of a town or village for free school purposes only, under general laws, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Harper, Bryan, Hume, Real, Weinert, Meachum.

FIFTEENTH DAY.

Senate Chamber,
Austin, Texas,

Monday, April 5, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Greer.
Alexander.	Harper.
Brachfield.	Hayter.
Bryan.	Holsey.
Cofor.	Hudspeth.